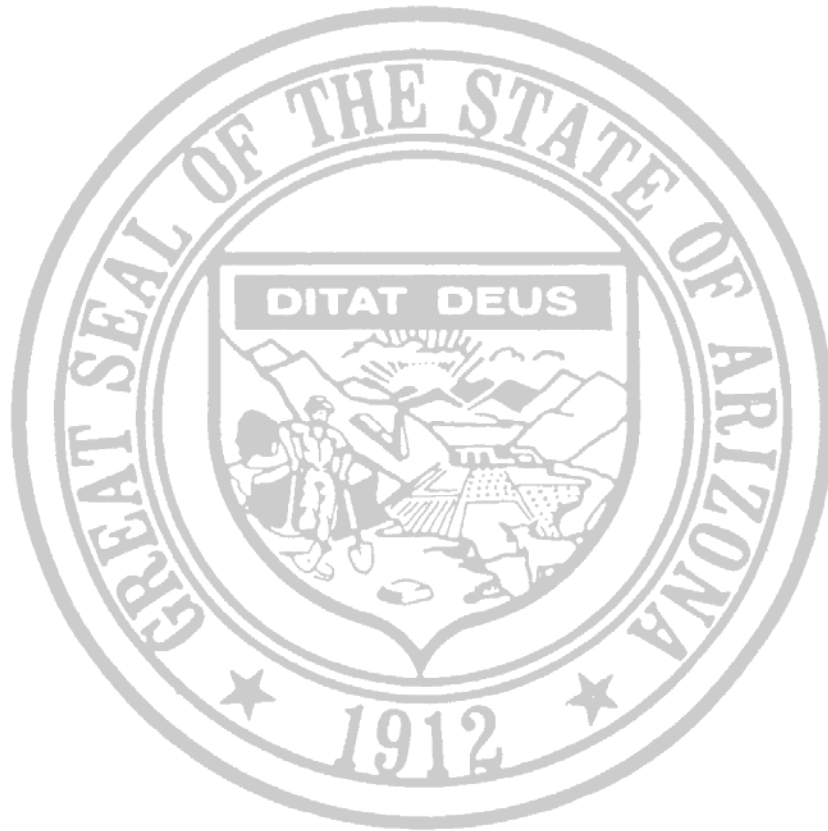


# **Arizona**

## **Methods of Administration**

### **Workforce Investment Act**



#### **Element Nine:**

#### **Corrective Actions & Sanctions**

<b>ELEMENT NINE</b>
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<b>CORRECTIVE ACTIONS/SANCTIONS (29CFR Part 37.54(d) (2) (vii))</b>
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**Purpose:**

The State addresses how it and its recipients are complying with the requirements of 29 CFR Part 37.54 (d)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with WIA Section 188 or 29 CFR Part 37 are found or, as necessary, applying sanctions.

**Narrative:**

The State of Arizona is in the process of establishing procedures for corrective and remedial actions to be applied when there is a violation of WIA Section 188 and/or 29 CFR Part 37 by a Local Workforce Investment Area (LWIA) or sub-recipient.

- **The standard for corrective and remedial actions to be applied when violations of WIA Section 188 or 29 CFR Part 37 are found.**

Corrective and remedial action will be sought when any deficiency is identified. This could be the result of a monitoring review or an EO complaint. Deficiencies can be either technical violations, which are deficiencies that do not involve discrimination (e.g., failure to post notice, failure to collect data, etc.) or those that involve discrimination. Discrimination violations may require retrospective relief (including but not limited to back pay) and prospective relief (training, policy development and communication) to ensure the discrimination does not recur.

- **Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.**

For each corrective action, the Arizona policy will establish a time frame identifying the minimum time necessary to completely correct the violation. Corrective actions must be prompt and designed to completely correct the violation and bring the recipient into compliance. Corrective actions will be designed to end discrimination and/or redress the specific violations and must assure discrimination does not recur. Where appropriate, the corrective action may also include educating individuals responsible for the violation.

When it is determined that the corrective action can be completed within 45 days and the deficiency does not involve discrimination, immediate corrective action with a written assurance agreement is appropriate. The written assurance must certify that the discrepancy has been corrected. The assurance will list the deficiency and corrective

action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the LWIA or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and that the assurance is signed by the highest level official of the LWIA or sub-recipient.

Remedial actions are designed to make whole an individual or individuals, who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status he, she or they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and prospective relief (including, but not limited to, training, policy development and communication) to ensure the discrimination does not recur.

- **The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.**

Where a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or a site visit, as appropriate to ensure that the commitments of the plan are satisfied and the violation will not recur. Any instances of noncompliance will be examined as part of the next scheduled review of the recipient.

- **Reports required from the violating recipient regarding actions to correct the violation(s).**

Where a corrective or remedial action plan is established, the recipient will report in writing to the EO Officer overseeing the action plan on a monthly basis regarding its progress on the plan until all actions in the plan are satisfied. Each progress report shall indicate the status of each item in the plan, including the actions the recipient has taken during the last month toward accomplishment of each item of the plan, the actions that remain to be done on each item of the plan, and a schedule of completion dates for each remaining item of the plan. The EO Officer will do a follow up to insure that the situation has been corrected and to assure that the deficiency does not recur.

- **Sanction procedures to be followed where voluntary compliance cannot be achieved.**

Sanctions penalize or censure a non-complying recipient. These may include funding cuts, offsets, temporary suspension of financial assistance pending full compliance, disallowance of selected costs, referral to CRC for appropriate legal action, litigation under State EO or contract laws or any other actions allowable under law. The ultimate sanction available is to revoke approval of all or part of the affected program.

Sanction procedures will include a letter to the recipient, stating the intent to invoke sanctions for non-compliance with a finding or for failure to submit, follow or implement an action plan to correct violations. Such letter will require the recipient to comply within 30 days. Failure to comply will result in appropriate sanctions being applied.